



PATENT  
Attorney Docket No. 05725.1258-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Raquel DE CARVALHO et al. ) Group Art Unit: 1616  
)  
Application No.: 10/702,438 ) Examiner: Sharmila S. GOLLAMUDI  
)  
Filed: November 7, 2003 )  
)  
For: COSMETIC COMPOSITION FOR ) Confirmation No.: 9412  
THE HAIR WITH A WAXY )  
EFFECT, IN AEROSOL FORM )  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, L'Oréal S.A., duly organized under the laws of France and having its principal place of business at 14, rue Royale, 75008 Paris, France, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/702,438, filed November 7, 2003 for COSMETIC COMPOSITION FOR THE HAIR WITH A WAXY EFFECT, IN AEROSOL FORM in the names of Raquel DE CARVALHO and Françoise PATAUT, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015128, Frame 0231 on April 6, 2004. Assignee, L'Oréal S.A., further represents that it is the assignee of the entire right, title and interest in and to:

- U.S. Patent Application No. 10/796,016, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 015626, Frame 0380 on July 28, 2004, and

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- U.S. Patent Application No. 11/124,229, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 016856, Frame 0719 on August 3, 2005; and
- U.S. Patent Application No. 11/220,586, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 017401, Frame 0792 on August 3, 2005.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent issuing from U.S. Application Nos. 10/796,016, 11/124,229, and 11/220,586. Assignee hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and any patent issuing from U.S. Application Nos. 10/796,016, 11/124,229, and 11/220,586 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted from U.S. Application Nos. 10/796,016, 11/124,229, and 11/220,586, as presently shortened by any terminal disclaimer, in the event that the prior U.S. Patents or any patent issuing from the copending applications later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is

in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 18, 2007

By:

A handwritten signature in black ink, appearing to read "Thalia V. Warnement", is written over a horizontal line.

Thalia V. Warnement  
Reg. No. 39,064